

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Ronald L Hoffman : Case No: 17-56807
Jennifer D Hoffman : Chapter 13 Judge: C KATHRYN PRESTON
Debtor(s) : 341 Date: 12/06/2017

FIRST AMENDED

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income _____ Below median income X

X **11 U.S.C. §1325(a)(1)**-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

X Plan takes over 60 months to complete. **Plan is at 87 months due to insufficient funding.**

X Other: **The box referencing Paragraph(s) 5.1.2 and/or 5.1.4 under the plan #1 Notices is not checked.**

Per 341 testimony, Mr. is a 1099 employee for Oleo Mobil Oil Change. Amended SFA #27 indicates that he is a partner in a partnership.

Provide the basis under which the Trustee is to pay mortgage to BMI Federal Credit Union when BMI Federal Credit Union obtained relief from stay. Per LBR 3001-1(d)(2), once relief is obtained, no payments can be made by the Trustee to the creditor without an order from the Court.

X **11 U.S.C. §1325(a)(6)**-Plan is not feasible based on income, living expenses, and plan payments.

X Other: **Provide an income/expense statement for Mr.**

X **11 U.S.C. Section 1326(a)(1)**-Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Need full 1st and 2nd plan payments for a total of \$1604 (NOTE: 3rd pmt. is due 1/24/18).**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for January 18, 2018, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

TERMS OF THE PLAN:

Plan Payments: \$802/REM

Best Interest Dividend: 13% Dividend: 100%

Length: 87 Months

Further, Trustee notes that:

X Debtor(s)' counsel to upload Wage Order.

Dated: January 08, 2018

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees
Chapter 13 Trustee
130 East Wilson Bridge Road #200
Worthington, Ohio 43085
(614) 436-6700
trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's First Amended Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: January 08, 2018

/s/ Frank M. Pees

Frank M. Pees
Chapter 13 Trustee
130 East Wilson Bridge Road #200
Worthington, Ohio 43085-6300